

EXHIBIT D



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Transcript of Steven Souza, Corporate Representative

Date: May 1, 2020

Case: Savino, et al. -v- Hodgson, et al.

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - -x

4 MARIA ALEJANDRA CELIMEN SAVINO, : Case No.
5 JULIO CESAR MEDEIROS NEVES, and :
6 all those similarly situated, : 1:20-cv-10617-WGY

6 Petitioners-Plaintiffs, :

7 v. :

8 THOMAS HODGSON, Bristol County : DEPOSITION OF
9 Sheriff in his Official :
10 Capacity; STEVEN J. SOUZA, : STEVEN SOUZA
11 Superintendent Bristol County :
12 House of Corrections in his : CORPORATE REPRESENTATIVE
13 Official Capacity; TODD :
14 LYONS, Boston Field Office, : CONDUCTED VIRTUALLY
15 Acting Director, Immigrations :
16 and Customs Enforcement in his : Friday, May 1, 2020
17 Official Capacity; CHAD F. :
18 WOLF, Acting Secretary, : 7:07 a.m. PT
19 Department of Homeland :
20 Security, in his Official :
21 Capacity; MATTHEW T. ALBENCE, :
22 Deputy Director and Senior :
23 Official Performing the Duties :
24 of the Director for U.S. :
Immigration and Customs :
Enforcement, in his Official :
Capacity; and U.S. IMMIGRATION :
AND CUSTOMS ENFORCEMENT, :

19 Respondents-Defendants. :

20 - - - - -x

22 Job No.: 297502

23 Pages: 1 - 346

24 Reported By: Charlotte Lacey, RPR, CSR No. 14224

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1 cells, are there sinks in those cells?

2 A. No.

3 Q. No. Okay. If not, how often are those
4 individuals permitted to go to the bathrooms to
5 use the sink?

6 A. They are dormitory-style doors, so they
7 can exit their cell at any time. There is no
8 restriction on them going to the bathroom, as well
9 as washing their hands. During the lockdown, when
10 there is a count being taken, there would be no
11 one allowed when the count is being taken, but
12 after that, they are allowed to go to the restroom
13 at any time.

14 Q. So aside from when the count is being
15 taken, they can go to the bathrooms and use the
16 sink at any time; is that correct?

17 A. That's correct.

18 Q. And they don't have to gain permission
19 during those times?

20 A. Correct.

21 Q. Okay. Has the ability for detainees to
22 wash their hands changed at all since the
23 beginning of this lawsuit?

24 A. I don't know what you mean by "the

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1 codes is the only time that the correction
2 officers are not able to be a full 6 feet away
3 from each of the detainees?

4 A. Again, they have to make their rounds.
5 If there happens to be a detainee walking into the
6 bathroom and they may be near the correctional
7 officer, or when the correction staff are making
8 their security rounds, if a -- if a detainee or an
9 inmate are, you know, on their bunk, it may be
10 closer within the -- the 6 feet, but it's -- it's
11 not a prolonged time.

12 It's incidental, like passing through a
13 hallway or passing by, you know, a table that a
14 detainee may be sitting at, or opening a -- a -- a
15 door and the detainee's walking through the door.

16 Q. Right. So there are times at which
17 they'll, you know, pass through during their
18 normal workday when they might come within the
19 6 feet?

20 A. Yes.

21 Q. And that's unavoidable?

22 A. Correct.

23 Q. Okay. And are there any written
24 protocols to help the correction officers stay the

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1 serving the meals into their food trays that they
2 may not be 6 feet apart, they have the PPEs on,
3 where they have the gloves, they have the masks,
4 they have the hairnets, or a baseball cap on is
5 what they have.

6 Q. And you mentioned the inmates in the
7 kitchen. Is the makeup of individuals going into
8 the kitchen each day different?

9 A. There's three shifts of inmates that go
10 into the kitchen, and they're all the same
11 inmates, but three separate shifts of inmates. So
12 we may have a total of, say, 40 inmates that work
13 in the kitchen during three specific shifts, so
14 two shifts, depending on how they work it with
15 what meals are being prepared.

16 Q. Okay. And while in the kitchen, each of
17 them is given a mask, a set of gloves, a hairnet,
18 and any other personal protective equipment?

19 A. I don't believe so.

20 Q. And is there any repercussion for not
21 wearing that protective equipment while in the
22 kitchen?

23 A. If they're not wearing the protective
24 equipment, then they potentially would be fired

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1 A. I don't know specifically a date.

2 Q. Okay. Is it fair to say that the signs
3 have stayed fairly consistent over the last month
4 or so?

5 A. I would say pretty consistent.

6 Q. Okay. And just to be clear, we talked
7 about this a bit earlier. But there have not been
8 any steps taken to enforce the protocols, and what
9 I mean by that is no one's been reprimanded for
10 coming within 6 feet of another person; is that
11 correct?

12 A. That's correct.

13 Q. Okay. Moving back to Exhibit 29.

14 MR. BROWN: Can we get Exhibit 29 on the
15 screen, Miles?

16 AV TECHNICIAN: Yes. Sorry. One
17 second.

18 Q. No worries. And under the "Avoid close
19 contact" header, do you see where it says "Keeping
20 distance from others is especially important for
21 people who are at higher risk of getting very
22 sick"?

23 A. Yes.

24 Q. All right. What, if any, protocols

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1 exist at Bristol to ensure detainees who have
2 existing medical conditions can keep distance --
3 can keep distance from the correction officers?

4 A. Anyone that would be an issue of being
5 very sick would be housed within medical.

6 As far as the individuals that are
7 within the housing units, where the detainees are
8 located and staff, basically, again, practicing
9 social distancing, making sure the staff are
10 wearing their masks, making sure the inmates and
11 detainees are wearing their masks, and avoiding
12 physical contact unless security purposes or
13 transportation purposes are necessary.

14 Q. So unless a detainee is in the medical
15 for immediate attention, then individuals who, for
16 example, have diabetes, is there a separate
17 protocol for making sure they can socially
18 distance?

19 A. No.

20 Q. The next header in Exhibit 29 is
21 entitled "Cover your mouth and nose with a cloth
22 face cover when around others." Do you see that?

23 A. Yes.

24 Q. When did you first learn about the CDC's

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1 Q. And how many have been reprimanded for
2 not wearing their masks?

3 A. I would say maybe half a dozen or so.

4 Q. And take me through those. What happens
5 when someone's reprimanded for not wearing their
6 mask?

7 A. Basically they would be issued either an
8 informal D report or a formal D report and not
9 allowed to come out of their cell, except for
10 bathroom purposes. They would be fed within their
11 cell. They would not be allowed to go out to
12 recreate in the day room area or the outside rec
13 yard.

14 Q. And how long would that last for?

15 A. It could be a day, it could be two days,
16 depending on the severity of the infraction. If
17 it was just, you know, "I'm not wearing it. I
18 don't come out of my cell, fine," versus becoming
19 belligerent and/or assaultive to staff would be
20 different determination on length of time.

21 Q. And you said a dozen. Does that
22 represent all of the times in which detainees were
23 not wearing their masks outside of their bunks?

24 A. I said about a half a dozen or so,

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1 Q. How many masks do you have in storage?

2 A. Probably 2,000.

3 Q. Probably 2,000. And which types of
4 masks are those?

5 A. I have KN95s. I have N95s. I have
6 surgical masks. I have different -- couple of
7 different types of surgical masks, actually.

8 Q. And about what percentage of the
9 correction officers are wearing the surgical
10 masks?

11 A. I don't know because there's three
12 shifts, and I'm not there for all three shifts to
13 know.

14 Q. Okay. And so you wouldn't know what
15 percentage are wearing the N95 or the KN95 as
16 well?

17 A. Correct.

18 Q. And what is EMA?

19 A. MEMA.

20 Q. NEMA. Thank you.

21 A. MEMA with an "M." M-E-M-A.

22 Q. And what does MEMA stand for?

23 A. Massachusetts Emergency Management
24 Association.

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1 MR. KANWIT: Good.

2 Q. Does Bristol provide detainees with
3 masks?

4 A. Yes.

5 Q. How many masks per detainee?

6 A. Each detainee and inmate were issued one
7 cloth mask, which is washable, and there's a
8 protocol in place for washing them, and if there
9 is a need for additional masks, we will issue out
10 a surgical mask.

11 Q. And you say "if there's a need for an
12 additional mask," and that's if the particular
13 inmate requests that mask?

14 A. If the individual requests it, if there
15 is a specific need that theirs happens to be in
16 the wash and they're going to the outside rec yard
17 or they're leaving their cell or theirs broke, we
18 would issue them a new mask if theirs broke, and
19 we would have alternative surgical masks available
20 if needed.

21 Q. Okay. Let's turn to Exhibit 35.

22 AV TECHNICIAN: Please stand by.

23 Q. Mr. Souza, do you recognize this
24 document?

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1 A. That, I -- I don't have exact numbers on
2 those.

3 Q. Okay. And respirators?

4 A. We do not carry respirators.

5 Q. Eye protection?

6 A. We have probably over 150, maybe 200
7 goggles, and then there are some face shields that
8 we also have, and we do have some that are on
9 order as needed.

10 Q. Okay. And do you know exactly how many
11 pairs of those you have?

12 A. Not off the top of my head 'cause
13 medical also has their own supply.

14 Q. And who is that eye protection being
15 supplied to?

16 A. The eye protection would be supplied to
17 any staff person that needs it based on where they
18 were working or what they were -- or who they were
19 working with.

20 Q. Okay. But not to the detainees?

21 A. No.

22 Q. Okay. And you mentioned earlier you had
23 some gloves.

24 Does each -- does each detainee receive

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1 gloves?

2 A. No. They would utilize gloves for --
3 for when they're doing cleaning or passing out
4 meals or anything, but they're not issued gloves
5 as a general.

6 Q. So they would have to request gloves for
7 each of those jobs?

8 A. Yes.

9 Q. Okay. And what about a supply of
10 disposable gowns or coveralls?

11 A. The sheriff's office has some, and the
12 medical department also has some. I believe we
13 have about 200 currently. There are more on
14 order, and I'm not sure what medical has for their
15 supply.

16 Q. Okay. And do you know how many swabs
17 medical currently has?

18 A. I do not.

19 Q. Okay. Turning to Exhibit 30. If we go
20 to page 2, there's a section titled "What should I
21 do if I might have been exposed, if I feel sick,
22 or have confirmed COVID-19?"

23 Mr. Souza, do you see that section?

24 A. Yes, I do.

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1 the ones that are monitoring to make sure that at
2 least seven days have passed since the date of the
3 first positive test?

4 A. Yes.

5 Q. Okay. And in -- in -- in the case of
6 increased need for testing, do you know how many
7 total single cells there are that could isolate
8 individuals?

9 A. We can make adjustments to those
10 specific housing units that were documented in the
11 -- in that other document. We originally start
12 with the four cells in medical, if they're
13 available. We then go to our EE unit, which has
14 16, and then we would progress from there.

15 Q. Okay. What protocols are in place for
16 testing the new arrivals?

17 A. Only if they're symptomatic, they would
18 be tested. If they're not symptomatic, they would
19 be isolated in a specific housing unit for at
20 least 14 days before we introduce them into the
21 general population.

22 Q. Okay. So new arrivals who are not
23 symptomatic, are not tested on arrival; that's
24 correct?

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1 A. Correct.

2 Q. How many new arrivals have been tested?

3 A. I have no idea.

4 Q. Okay. And so you wouldn't know if any
5 of those tests have been positive?

6 A. No.

7 Q. Okay. Are new arrivals -- and you said
8 new arrivals are being quarantined; is that
9 correct?

10 A. They're being isolated.

11 Q. Isolated. And so where -- when each of
12 those are isolate -- when each of those
13 individuals are isolated, who do they come in
14 contact with?

15 A. As with the production of documents,
16 there were two -- two housing units that were
17 originally designed for new commitments. Females
18 are in one particular unit. The males were
19 originally in GC, and now we have turned it over
20 to our FB unit, and they would be placed into
21 single cells within that FB unit.

22 Q. What does the "FB unit" stand for?

23 A. FB is just the acronym for that
24 particular housing unit.

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1 could be once every two to three weeks, depending
2 on what else I'm working on. As I expressed, I
3 have a vast -- I oversee a vast number of
4 departments and divisions.

5 Q. Understood. When was the last time you
6 were at Unit A?

7 A. I believe it was probably about maybe
8 three weeks ago, four weeks ago.

9 Q. Okay. So three or four weeks ago when
10 you were there, how long were you there for?

11 A. I was probably there for an hour or
12 more.

13 Q. Okay. How many individuals are
14 currently held in Unit A?

15 A. I believe there are 11. That's off the
16 top of my head. I mean, we have got many units,
17 so just off the top of my head, I believe 11.

18 Q. 11 units. And of those, how many are
19 inmates?

20 A. In -- in A?

21 Q. In A.

22 A. No inmates. Only detainees.

23 Q. No -- okay. And so of the
24 immigration -- of the 11, all of them are

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1 Kanwit.

2 Q. From Attorney Kanwit. Okay. The
3 drawing on the first page is titled -- can we
4 scroll up to the first page of this document.

5 The drawing on the first page is titled
6 "ICE Unit A, as-is." What is the drawing on the
7 first page intended to represent?

8 A. The rows of bunks, and the Xs, I
9 believe, are representative of how many
10 individuals are assigned to the set of bunk beds.

11 Q. Okay. So just to make sure I understand
12 this, the white squares are intended to represent
13 the bunks?

14 MR. KANWIT: Objection. He didn't
15 create the document, so you shouldn't be asking
16 about his intent.

17 Q. Is it your understanding, looking at
18 this document, that the white squares indicate the
19 bunks?

20 A. Yes, I believe so.

21 Q. And then the gray squares indicate the
22 aisles?

23 A. Yes, where it's labeled "aisles."

24 Q. Yep. And this actually -- accurately

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1 you see that?

2 A. Yes.

3 Q. And that individual, if they had to get
4 up in the middle of the night and go to the
5 restroom, they would have to pass by another
6 individual in order to do so; is that correct?

7 A. Correct.

8 Q. And they'd come within 6 feet of that
9 other individual?

10 A. Correct.

11 Q. Okay. How often are you in Unit B?

12 A. About the same time that I would be in
13 Unit A.

14 Q. Okay. When was the last time you were
15 in Unit B?

16 A. About the same time as Unit A. I
17 usually go to one building and -- and go to all
18 the units within that one particular building.

19 Q. Okay. And last time you were in Unit B,
20 how long did you spend there?

21 A. Probably an hour or more.

22 Q. How many individuals are currently
23 housed in Unit B?

24 A. I believe there's 26, but I would have

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1 to look at the exact count. But I believe there
2 was 26.

3 Q. So as of today, you believe there are 26
4 individuals?

5 A. I believe so.

6 Q. And do you know how many of those are
7 inmates?

8 A. There are no inmates in the ICE
9 building.

10 Q. You cut out for me. Sorry. So there
11 are no inmates; am I correct?

12 A. There are no inmates in ICE A or ICE B,
13 strictly detainees.

14 Q. So that would be 26 detainees. Why are
15 there different numbers between the individuals in
16 Unit A and Unit B?

17 A. Based off of their classification.

18 Q. And walk me through that. How does that
19 classification impact where they're housed?

20 A. The classification is submitted through
21 immigration. Level 1s and level 2s can be housed
22 together. Level 2 and level 3 can be housed
23 together. But a level 3 and a level 1 cannot be
24 housed together.

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1 Q. And there's no cells in Unit B, correct?

2 A. That's correct.

3 Q. Can we scroll to the third page of this
4 document, and the third page is titled "Unit B
5 as-is."

6 A. Yep.

7 Q. Do you have any reason to believe this
8 is not an accurate representation of the sleeping
9 arrangements in Unit B as of April 14, 2020?

10 A. I have no reason to believe that it's
11 not.

12 Q. Okay. And looking at this, you don't
13 know where the entrances or exits to Unit B are?

14 A. Correct.

15 Q. Okay. So the image here shows five rows
16 of beds, correct?

17 A. Correct.

18 Q. And there are 33 beds total?

19 A. Correct.

20 Q. 33 bunks total?

21 A. Excuse me?

22 Q. There are 33 bunks total?

23 A. 33 double bunks.

24 Q. Right. And in this image, 20 were used?

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1 A. I don't know what the count was on
2 there.

3 Q. Okay. But you -- as of today, you
4 understand 26 individuals to be sleeping here?

5 A. Correct.

6 Q. And so the same thing here in Unit B,
7 when sharing a bunk, there's a 3-foot distance
8 between bodies when each person's lying directly
9 flat?

10 A. Correct.

11 Q. And so less of a distance if one of them
12 sits up in the night?

13 A. Correct.

14 Q. As you understand it, have the
15 individuals in Unit B been rearranged since
16 April 14th?

17 A. I believe so, because of the -- as the
18 count reduces or changes, they make adjustments to
19 the --
20 the -- the sleeping arrangements.

21 Q. Okay. Moving on to the -- the next page
22 of this exhibit, and you see this is titled "Unit
23 B Ideal"?

24 A. Yes.

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1 document are accurate representations of how
2 people sleep?

3 A. I have no idea.

4 Q. Okay. How often are you at the EB unit?

5 A. About the same time as the going to the
6 ICE -- ICE A or ICE B.

7 Q. And do you know when the last time is
8 you were in the EB unit?

9 A. Probably about four weeks ago.

10 Q. About four weeks ago.

11 And the EB unit doesn't stand for
12 anything, "EB" is just the acronym that's used?

13 A. Just acronyms.

14 Q. Okay. And last time you were there, do
15 you remember about how long you were there for?

16 A. Maybe half hour.

17 Q. How many ICE detainees are in the EB
18 unit?

19 A. Today, I believe there were five.

20 Q. You believe there were five.

21 And how many criminal inmates?

22 A. Maybe six. Five or six.

23 Q. Okay. So about 11 individuals who are
24 held in the EB unit?

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1 shower and individual standing in another shower.

2 A. There -- there's -- there's walls, and
3 there's complete -- it's -- it's complete isolated
4 showers. There's a door to walk into, and then
5 it's a shower, and there's four walls within that
6 shower. And then next door next to it is -- is,
7 again, four walls. So they're complete isolated
8 showers.

9 Q. Okay. They're completely isolated
10 showers.

11 And how about the toilets, are those
12 completely isolated, or is there sort of a vent on
13 top of the separator?

14 A. There's -- there's stalls.

15 Q. There's stalls. And the shower rooms,
16 are they ventilated?

17 A. Yes, they are.

18 Q. They are. When was the last -- oh.
19 How often are you in the 2 East unit?

20 A. Again, roughly around the same time
21 frame.

22 Q. And that's the same for the last time
23 that you were at the 2 East unit?

24 A. Probably four to five weeks at the

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1 2 East unit.

2 Q. And how long were you there
3 approximately the last time you were there?

4 A. I was there probably for about
5 45 minutes maybe.

6 Q. About 45 minutes?

7 A. Yes.

8 Q. And in your declaration, you represented
9 that there were 54 males housed in this unit.

10 Do you know if that's still the case?

11 A. I believe there's 45 currently.

12 Q. 45 currently.

13 And what's the cause in that reduction?

14 A. Releases through ICE and/or releases
15 through the pretrial inmates.

16 Q. And of the 45, how many are detainees?

17 A. I believe there are 36, maybe, that are
18 detainees. 35, 36 maybe.

19 Q. Okay. And the others are inmates,
20 correct?

21 A. Correct.

22 Q. Of the 36, they're divided into eight
23 cells; is that correct?

24 A. There's a total of 13 cells in that

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1 unit. I believe they are divided into -- I
2 believe there's eight cells. I would have to look
3 at my declaration to be specific.

4 Q. And -- but those cells would have about
5 four to five individuals each?

6 A. I believe there's -- right now, there's
7 a maximum of five, but generally four and five are
8 currently in there.

9 Q. Generally four or five. Okay. And each
10 cell contains four double-bunk beds; is that
11 correct?

12 A. Yes, correct.

13 Q. Okay. So each of the cells is
14 identical?

15 A. Yes.

16 Q. So that would mean that currently, at
17 least one person in some of the cells are sharing
18 a bunk, right?

19 A. Yes.

20 Q. Okay. And those bunks are the same as
21 the ones in Unit A and B; is that correct? The
22 same type of bunk bed?

23 A. Yeah, same type of bunk bed, correct.

24 Q. Okay. So for anyone sharing a bunk,

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1 you -- how you got that measurement and where the
2 measurement is coming from.

3 A. Okay. So if the -- if the bunk bed
4 itself is 6 feet long or 7 feet in length, if the
5 detainee's head is on the left-hand side of the
6 bunk, the next detainee's head would be on the
7 complete opposite side, so it would be -- the head
8 would be on one location, the feet would be facing
9 the another location. So that there's that
10 distance.

11 Q. And that's between bunks on the -- on
12 the same side of the wall, am I understanding this
13 correctly?

14 A. Correct.

15 Q. Okay. And so -- and you're measuring,
16 again, between the individuals' heads, not
17 necessarily between, say, the head and the feet of
18 the next person?

19 A. Correct.

20 Q. For those individuals sharing a bunk,
21 you represent that the head of one detainee is
22 over the feet of the other detainee. No
23 detainee's head is closer to another detainee's
24 head than 6.7 feet. Is that still correct?

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1 A. Yes.

2 Q. And so in those instances, the bodies of
3 individuals sharing the bunk are actually 3 feet
4 apart; is that right?

5 A. What do you mean by "3 feet apart"?

6 Q. So for -- I understand that an
7 individual sharing a bunk that will be lying in a
8 different direction than the other individual
9 sharing that bunk and that, therefore, you've
10 represented that there will be a distance between
11 the detainees' heads, correct? That's the 6.7
12 feet measures between the heads?

13 A. I don't know the exact measurement, but,
14 yes, it would be between the heads.

15 Q. Okay. And for those individuals sharing
16 the bunk, if we are actually measuring just, say,
17 between the feet of the -- of one detainee and
18 head of another detainee, that distance is 3 feet,
19 correct?

20 A. No, because if the bunk is 6 feet or
21 7 feet long, the detainee's head on the top would
22 be on one end, and the detainee's head on the
23 bottom bunk would be the opposite direction.

24 Q. Correct. But if we're not just

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1 measuring between the heads and, say, we measure
2 between the foot of one detainee and the head of
3 the other, that is less than 6 feet, correct?

4 A. Up and down, it would be, yes.

5 Q. Up and down, it would be. And, again,
6 the measures in your declaration are correct when
7 the detainees are asleep laying down; that's
8 correct?

9 A. Yes.

10 Q. And so that measurement will change as
11 they get up in the middle of the night?

12 A. Correct.

13 Q. Why is it that your representation in
14 your declaration measured just between the heads
15 of individuals?

16 A. Just based off of how we set them up to
17 be head to toe and toe to head. And then the
18 measurements, again, I had somebody measure the
19 length of the bunks, the height of the bunks, but
20 that's what was recorded.

21 Q. Understood. And so for the 2 East unit,
22 how much time do each of the detainees spend per
23 day in their cells?

24 A. It varies. Some stay longer in their

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1 stalls, there's a set of urinals, and there's a
2 set of sinks.

3 Q. So take Unit A, in that bathroom, how
4 many sinks are they -- are there?

5 A. I don't know specifically. It would be
6 in my declaration as to exactly how many are
7 located in that area.

8 Q. Okay. So in your declaration, if you
9 represented that there were eight sinks in that
10 bathroom, does that sound correct?

11 A. Potentially, yes.

12 Q. And for the showers in Units A and B,
13 would you also rely on the number in your
14 declaration, which is six?

15 A. That's correct.

16 Q. Okay. And for urinals, there were
17 three?

18 A. Correct.

19 Q. Okay. And you represent -- and you
20 represented that there were six toilets in Units A
21 and B in your declaration. Is that still the
22 case?

23 A. Yes.

24 Q. How far apart is each sink in each of

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1 those bathrooms?

2 A. I don't know off the top of my head.

3 Q. Okay. And is the shower -- are the
4 showers the same setup that we've talked about for
5 the unit previously?

6 A. It's a little different as they don't
7 have a solid door. But there are three walls.
8 And then the entrance, which is -- has a shower
9 curtain on it, but then each one is individual
10 shower stalls. It's non-communal.

11 Q. Okay. And there's the -- the curtain is
12 what separates one individual from the next?

13 A. No. It separates you from the outside
14 of the shower to step into the shower.

15 Q. I see. So you walk into the curtain,
16 and then there are walls on either side of you.

17 A. Correct.

18 Q. And do those walls go all the way up to
19 the ceiling?

20 A. Yes, they do.

21 Q. Okay. And how far apart are the
22 different urinals?

23 A. I don't know the exact measurement.

24 Q. And what about the toilets?

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1 A. They're in stalls. I don't know what
2 the exact measurements are.

3 Q. Same stalls that have the partial
4 divider with the ventilation at the top?

5 A. Yes, I believe so.

6 Q. And there's no strict number on the
7 amount of people who can use each bathroom at any
8 one time, correct?

9 A. Again, we try to limit it with the
10 social distancing and with the postings that are
11 up, but, again, there could be someone that's in
12 the shower and then go over to the bathroom side.
13 So we try to limit as much as possible, but, you
14 know we don't want to get into not allowing them
15 to utilize the facilities either.

16 Q. And so it's a common occurrence for each
17 shower to be used at the same time, correct?

18 A. Not each shower, but individual showers,
19 yes.

20 Q. But for all other showers to be used at
21 the same time?

22 A. That's a possibility, yes.

23 Q. And same thing for the sinks?

24 A. It could be.

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1 Q. And for the toilets?

2 A. It's possible.

3 Q. How frequently are detainees given soap
4 and shampoo for showering purposes?

5 A. They can purchase from canteen weekly.
6 They also -- the -- anybody that's indigent would
7 be given weekly indigent kits which would give
8 them a bottle of three-in-one, which is soap,
9 shower, body wash. And then there's also the soap
10 dispensers on the wall where the sinks are.

11 Q. And so separate and apart from meeting
12 the indigency requirements, you would have to
13 purchase your shampoo; is that correct?

14 A. Correct.

15 Q. Okay. And you represented earlier that
16 the soap in the communal area is replaced whenever
17 that is empty?

18 A. That's correct.

19 Q. And do you know how much of a supply of
20 that soap you have on hand?

21 A. I'm told that we have enough supply of
22 hand soap.

23 Q. And that, to your knowledge, has never
24 been watered down?

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1 A. That's correct.

2 Q. And there are no professional cleaners
3 that come into the bathrooms in Unit A and B?

4 A. No.

5 Q. So it's the detainee and staff
6 workforces we talked about earlier that would be
7 cleaning those units.

8 A. That is correct.

9 Q. And are they given personal protective
10 equipment when they're cleaning?

11 A. They are given --

12 MR. KANWIT: Objection; asked and
13 answered. We've been there through this.

14 Q. You can answer the question.

15 A. They're given gloves. And if they need
16 anything further, they will be given the items
17 needed.

18 Q. Can you describe the process by which
19 food is delivered to Bristol? Actually, delivered
20 to the facility to the kitchens?

21 A. As I stated in the declaration,
22 they're -- they come through delivery trucks.
23 They are -- the items are dropped off at our
24 shipping and intake area or the loading dock for

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1 Q. And you submitted this and signed it on
2 the 23rd of April 2020?

3 A. Whatever the date that's on there.

4 Q. The date at the bottom, can you take a
5 look at that, and let me know if that's the 23rd
6 of April?

7 A. Yes.

8 Q. You present in this declaration that all
9 meals are prepared in two shifts; is that correct?

10 A. Correct.

11 Q. The first is comprised of about 20
12 individuals plus a correction officer who
13 oversees; is that correct?

14 A. That's correct.

15 Q. And the second, comprised of about 13 to
16 15 detainees, two staff members, and a corrections
17 officer to oversee; is that correct?

18 A. Not detainees. They would be sentenced
19 inmates.

20 Q. Those are -- so the second shift is --
21 those would be sentenced inmates.

22 A. All of the kitchen workers are sentenced
23 inmates. We don't have detainees or pretrial
24 inmates working in the kitchen.

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1 A. They are -- they're called up to the
2 meal cart practicing social distancing to collect
3 their tray.

4 Q. And when you said "practicing social
5 distancing," what do you mean by that?

6 A. I mean that I don't have everybody right
7 in a row, that we have people -- we call so many
8 people up distanced apart to receive their tray.
9 Then they go and sit at a table or take it back to
10 their cell or bunk.

11 Q. And which individual is actually handing
12 off their tray to them?

13 A. It could be a staff person, or it could
14 be a volunteer worker.

15 Q. Okay. And they're less than 6 feet from
16 that person when receiving their meal, correct?

17 A. A hand's distance away.

18 Q. Oh, you cut out from me then -- from
19 there.

20 A. Arm's length to hand out the tray.

21 Q. Arm's length to hand out the tray,
22 correct?

23 A. Right. Arm's length to arm's length to
24 hand out a tray.

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1 Q. And this process is repeated three times
2 a day for breakfast, lunch, and dinner?

3 A. That's correct.

4 Q. Detainees can choose to eat their meals
5 in their bunk or at their table; is that correct?

6 A. That's correct. We normally have them
7 stay at the tables to eat, but to create social
8 distancing and not have everybody in one location,
9 we've allowed them to either take it back to their
10 cell to eat on their bunk or at the desk, if they
11 happen to have a cell. Or if they're in the ICE
12 building and it's just bunk beds, they're able to
13 sit on their bunk and eat it, or they can eat at
14 the table in shifts.

15 Q. Okay. And it's their choice as to which
16 of those they do?

17 A. That's correct.

18 Q. Are detainees provided sanitary wipes to
19 clean the containers once they're handed their
20 meals?

21 A. I'm sorry. I missed that.

22 Q. No worries.

23 Are detainees provided sanitary wipes
24 ever to clean the containers once they're handed

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1 their meals?

2 A. No.

3 Q. Because as we talked about earlier,
4 those are not available, correct?

5 A. Those wipes are for staff to clean the
6 control areas and the computers and so forth.

7 Q. Understood. Your declaration provides
8 that once meals are complete, dishes are returned
9 to the kitchen for cleaning and sanitizing.

10 Who does that cleaning and sanitizing?

11 A. The inmate kitchen workers.

12 Q. And the products they use are the
13 products we talked about earlier?

14 A. They're specific cleaning materials with
15 the dishwasher and within the scullery area where
16 the -- all the carts go back to, and all the trays
17 are cleaned through the dishwasher, and they're
18 dried, and then the carts are all wiped down with
19 the materials that we discussed earlier.

20 Q. Okay. And then -- and then the --
21 sorry. The first part of that statement?

22 I understand from the dishwasher on, but
23 what products are used between pickup of the
24 containers to reaching the dishwasher?

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1 A. Basically we're all following the CDC
2 and DPH guidelines. Each facility runs
3 differently. Each county runs differently based
4 off of their types of facilities, their population
5 of their facility, their layout of their facility.

6 Q. What's the factual basis for your
7 statement that maximum steps have been taken to
8 minimize the risk of a COVID-19 infection and any
9 spread?

10 A. I'm sorry. I missed the first part of
11 that question. You cut out.

12 Q. What is the factual basis for your
13 statement that maximum steps have been taken to
14 minimize the risk of a COVID-19 infection and any
15 spread?

16 A. Basically by following the guidelines
17 that are set up and following our procedures that
18 we put together for isolation and containment and
19 also for social distancing and educating the
20 detainees and the staff and the inmate relative to
21 social distancing.

22 Q. What do you mean by maximum steps?

23 A. The ability of what we have as of this
24 date. As we know, it's a fluid situation and

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1 things change, sometimes daily, so that the steps
2 were taken, and if there's more that need to come,
3 then we take those as well.

4 Q. Bristol does not think anything else
5 could be done to minimize the risk of a COVID-19
6 infection, correct?

7 A. I did not hear you.

8 Q. Bristol does not think anything else
9 could be done to minimize the risk of a COVID-19
10 infection, correct?

11 MR. KANWIT: Objection.

12 Q. You can answer.

13 A. I believe we're doing everything that we
14 possibly can.

15 Q. Are there any additional steps that you
16 could take at this point to further reduce the
17 risk that detainees may be exposed to COVID-19?

18 A. I believe we're doing everything that we
19 possibly can.

20 Q. So, in your opinion, there's nothing
21 further that can be done at Bristol in order to
22 secure the safety of detainees and staff in the
23 civil immigration units?

24 MR. KANWIT: Objection.

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1 A. If changes come forward through CDC and
2 DPH guidelines or on recommendations from the
3 medical vendor, then we would update those as
4 needed.

5 Q. At any point since March 1st, 2020, have
6 you made any recommendations to anyone at Bristol
7 as to steps that should be taken to get better
8 protection for detainees?

9 A. I'm not following what your question is.

10 Q. Yeah, let me rephrase that. That was a
11 little confusing.

12 At any point since March 1st, 2020, have
13 you made any recommendations for what should be
14 done with regard to COVID-19 that weren't
15 followed?

16 A. No.

17 MR. KANWIT: Objection as to time frame.

18 Q. You can answer.

19 A. No.

20 Q. Bristol did not consult with any outside
21 public health experts regarding best practices for
22 dealing with COVID-19 prior to this litigation,
23 correct?

24 A. No.

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1 Q. Bristol did not take any steps to
2 evaluate detainees for release prior to this
3 litigation, correct?

4 A. No.

5 Q. Bristol did not consider alternatives to
6 detention for detainees prior to this litigation,
7 correct?

8 A. Correct.

9 MS. CURTIS: If we have Miles back, can
10 we get Exhibit 48.

11 AV TECHNICIAN: Of course. One second.

12 MR. KANWIT: While he's pulling that up,
13 Annaleigh, your question was about Bristol. And
14 the definition given earlier by counsel, Bristol
15 was Bristol County House of Corrections. I just
16 want to be clear. We don't mean to ask did ICE
17 consider any steps to release detainees.

18 MS. CURTIS: I'm asking about Bristol;
19 that's correct.

20 MR. KANWIT: Thank you.

21 Q. Okay. I will represent to you that
22 Exhibit 48 is a PDF of the ICE web page on ICE
23 guidance on COVID-19 that was saved yesterday.

24 Have you read the ICE guidance on

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1 Q. The last sentence in that paragraph says
2 that ICE's detained population has dropped by more
3 than 4,000 individuals since March 1st, 2020, with
4 a more than 60 percent decrease in book-ins when
5 compared to this time last year, correct?

6 A. Yes, that's what it says.

7 Q. Is it fair to say that ICE is taking
8 steps to reduce the detained population?

9 MR. KANWIT: Objection.

10 A. I would guess that's what ICE is doing.
11 I'm not sure what they're doing or why they're
12 doing it.

13 Q. Bristol didn't communicate with ICE
14 about evaluating detainees for release prior to
15 this litigation, correct?

16 A. Correct.

17 Q. Bristol hasn't communicated with ICE
18 about evaluating detainees for release since this
19 litigation began, correct?

20 A. Correct.

21 Q. Are you aware of anyone at Bristol who
22 ICE voluntarily released due to COVID-19?

23 A. Could you repeat your question.

24 Q. Are you aware of anyone at Bristol who

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1 Q. You have not contacted ICE to discuss
2 the impact of dormitory-style rooms on
3 transmission of COVID-19, correct?

4 A. Correct.

5 Q. Did you receive any binding guidance
6 from ICE regarding your housing of ICE detainees?

7 A. What do you mean by "binding"?

8 Q. Have you received any guidance from ICE
9 that you were required to follow regarding housing
10 of detainees because of COVID-19?

11 A. No.

12 Q. Did ICE ever provide guidance to Bristol
13 on screening ICE detainees for COVID-19?

14 A. Not that I'm aware of.

15 Q. Has ICE asked Bristol to provide ICE
16 with a list of ICE detainees who have illnesses
17 that put them at higher risk of complications if
18 they contract COVID-19?

19 A. They may have. If they did, it would
20 have been probably directly to the medical vendor.

21 Q. And the medical vendor is CPS; is that
22 right?

23 A. That's correct.

24 Q. And you're not aware if ICE has

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1 contacted CPS about illnesses by ICE detainees?

2 A. Not that I'm aware of.

3 Q. How often do you communicate with ICE
4 officers?

5 A. It varies depending on what the
6 circumstances are. I -- I have a director of
7 immigration that deals directly with ICE on a
8 daily basis.

9 Q. And what's that individual's name?

10 A. Liunetty Couto.

11 Q. And what are her job responsibilities?

12 A. She -- she coordinates our immigration
13 detainee program. She meets with detainees. She
14 processes them. She does caseworker duties with
15 them. She works with ICE on releases and on new
16 commitments and what our bed space availability
17 is.

18 Q. And do you know if she has discussed any
19 ICE detainees with ICE -- strike that.

20 Do you know if Ms. Couto has had any
21 conversations with ICE regarding the health status
22 of any ICE detainees?

23 A. I don't know.

24 Q. How often do ICE officers visit Bristol?

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1 Q. I guess let me rephrase it in a little
2 bit of a different way.

3 Are you aware of any guidance from ICE
4 to detention facilities in general about COVID-19?

5 A. Yes. They would send us -- and, like I
6 said, I believe they were in the production of
7 documents.

8 Q. Okay. Now, at the beginning of the
9 litigation, is it correct that there were 140 ICE
10 detainees housed at Bristol?

11 A. I know there was 140. I don't know if
12 it was 148 or just 140, but it was around that
13 number.

14 Q. And did you believe as of March 27th
15 that 140 detainees could be housed safely at
16 Bristol?

17 A. I believe by us following the CDC and
18 DPH guidelines, as well as putting into practice
19 in -- procedures in place, that yes.

20 Q. And as of today, do you still believe
21 that Bristol can safely house 140 ICE detainees?

22 A. Yes.

23 Q. Do you have in mind a number of
24 detainees that Bristol could safely house during

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1 this pandemic?

2 A. No.

3 Q. But it's at least 140; is that fair?

4 A. Yeah.

5 Q. Thinking about the ICE detainees who
6 have been released since March 27th, if you could
7 re-detain those individuals, would you do so?

8 A. I don't control who we can detain from
9 ICE. That's ICE's decision, so I don't think
10 it's -- I could fairly answer that question.

11 Q. Is it fair to say you would have no
12 objection to re-detaining them if ICE requested
13 it?

14 A. I would have no objection to detaining
15 anyone that was submitted -- committed by the
16 courts or from immigration.

17 MS. CURTIS: Okay, Miles. If we could
18 pull back up that document, which was...

19 AV TECHNICIAN: 48?

20 MS. CURTIS: 48.

21 AV TECHNICIAN: Yes.

22 MS. CURTIS: Thank you.

23 And if we can go to page 5. And scroll
24 down a bit once we get to page 5. Yeah. If we

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1 have no date written under self-quarantine were
2 still quarantined?

3 A. They were self- -- they were quarantined
4 due to a family member, not for symptoms that they
5 had.

6 Q. Okay. But I just -- to be clear, those
7 employees were still quarantining; is that right?

8 A. That's correct. If -- if you -- the
9 title at the top of it tells -- explains that.
10 "Quarantine due to family or household member
11 started, Quarantine for a family or household
12 member ended."

13 Q. Okay. So those individuals were not
14 working during their quarantine period as listed
15 under the "family household member" column; is
16 that right?

17 A. Correct.

18 Q. And -- I'm sorry -- did you say when you
19 first started collecting this information?

20 A. We started collecting it shortly after
21 the first -- first person that quarantined. I
22 don't have a specific date.

23 Q. But that would be whatever the earliest
24 date is listed on this spreadsheet?

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1 A. Yeah, probably.

2 Q. So probably around mid-March, does that
3 seem correct?

4 A. Yeah, around there.

5 Q. So from mid-March until April 28th,
6 there were a few dozen employees who were
7 self-quarantined for some period of time; is that
8 right?

9 A. Correct.

10 Q. How many of those individuals were
11 tested prior to returning to work to determine if
12 they were negative for COVID-19?

13 A. They were cleared by their doctor. I
14 don't know if they were tested or not.

15 Q. So they may have returned to work just
16 following the quarantine period; is that right?

17 A. Once their -- once their PCP or medical
18 professional determined that they can return to
19 work, that note was submitted, reviewed by our ADS
20 of employee health, and then a determination was
21 made that they could return to work.

22 Q. And for those individuals who are
23 quarantined because of a family or household
24 member, how does Bristol determine whether an

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1 the test was reported negative, and then she would
2 put a specific date in that.

3 Q. And "date positive" means the date they
4 received a positive from their test?

5 A. Yep.

6 Q. Date returned to work means the date
7 they returned to work, I presume?

8 A. That would be the date that they were
9 cleared to return to work, correct.

10 Q. And by my count, there are 49 rows with
11 data here; is that accurate?

12 A. Whatever's on the form. I don't know
13 what the exact numbers are.

14 Q. And is it correct that as of the date of
15 this document, April 28th, 25 Bristol County
16 Sheriff's Office employees had been tested for
17 COVID-19?

18 A. I don't know. I would have to count. I
19 don't know the exact number.

20 Q. But it's whatever number is on this
21 sheet?

22 A. That's correct.

23 Q. And 24 Bristol County Sheriff's
24 Office employees had self-quarantined or -- strike

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1 information from to tweet it to see if it's part
2 of that or not.

3 Q. When was the last time the spreadsheet
4 was updated?

5 A. I believe it was updated on the -- maybe
6 on the 30th. I'm not a hundred percent positive.
7 I'd have to look at my e-mails.

8 Q. And, as you sit here today, do you
9 recall whether there were more than eight Bristol
10 County Sheriff's Office employees who had tested
11 positive?

12 A. Not that I'm aware of.

13 Q. And do you have any reason to doubt the
14 veracity of the Bristol County Sheriff's Office
15 Twitter account?

16 MR. KANWIT: Objection.

17 A. Again, I don't know what -- our
18 individual that controls that -- if it was
19 documents prior to or where they got that
20 information. I don't have any idea.

21 Q. Okay. And has there been any attempt to
22 do contact tracing for the individuals who work at
23 Bristol County Sheriff's Office who tested
24 positive for COVID-19?

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1 A. Yes.

2 Q. And what attempts have been made?

3 A. We look at schedules, we look at video,
4 we look at individuals that -- anyone that tested
5 positive, where they worked, what shift they were
6 on, the location, and so forth.

7 Q. And is any effort made to test
8 individuals they may have come into contact with?

9 A. They would be informed through the memos
10 that were produced as documents from the sheriff
11 notifying individuals to shift in the locations
12 where they worked.

13 Q. Nothing else would be done in terms of
14 providing tests?

15 A. No. We do not do testing on staff. We
16 direct them to their PCP.

17 Q. And is the contact tracing that you just
18 described reflected in any of the documents that
19 you've seen?

20 A. I don't believe so.

21 Q. So there are no documents you're aware
22 of that describe the process that Bristol should
23 go through to trace contacts?

24 A. No.

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1 employees been tested for COVID-19?

2 A. Not that I'm aware of, but I don't know
3 until I see the most updated sheet.

4 Q. And was there any attempt to do
5 contract -- contact tracing for people that these
6 employees may have come into contact with?

7 A. I'm not sure, to be honest.

8 Q. And do you know whether any CPS
9 employees have begun self-quarantine since this
10 chart was updated?

11 A. I don't know.

12 Q. So between Bristol County Sheriff's
13 Office and CPS, about ten employees have tested
14 positive for COVID-19 as of April 28th, correct?

15 A. That's correct.

16 Q. And that's out of 32 employees that show
17 a test between Exhibit 26 and Exhibit 25, correct?

18 A. Whatever the numbers are.

19 Q. And I'll represent to you that by my
20 count, it is 10 out of 32, so that's approximately
21 one-third of the employees who have tested -- who
22 have been tested for COVID-19 that have tested
23 positive, correct?

24 A. By your calculations, yes.

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1 that the federal rules allow a presumptive seven
2 hours on the record for any witness. This witness
3 is not only a 30(b)(1) witness but also a 30(b)(6)
4 on eight topics, which is the entirety of the
5 30(b)(6) notice, and we're entitled to the full
6 seven hours, if not more than that, but the seven
7 hours is the presumptive amount of time, in the
8 absence of some other agreement.

9 MR. KANWIT: And you normally wouldn't
10 get him on a deposition as quickly as you did
11 under the federal rules.

12 MS. CURTIS: Well, we're talking about a
13 preliminary injunction here, so we have to have
14 pretty quick discovery. Why don't we get into it?

15 MR. KANWIT: How much time do you want
16 to take fencing about this?

17 MS. CURTIS: The question is --

18 MR. KANWIT: How long?

19 MS. CURTIS: -- how much time you're
20 willing to take talking about --

21 MR. KANWIT: Clock's running.

22 MS. CURTIS: -- running out the clock.
23 So why don't we get back to Superintendent Souza.
24 BY MS. CURTIS:

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1 Q. So what I'm going to do, in light of
2 Attorney Kanwit's representations, is talk about
3 some 30(b)(1) topics. There are two 30(b)(6)
4 topics we haven't covered yet, which is topics 5
5 and 6. I hope to get to both of those today, but
6 if not, we are not waiving the right to cover
7 those at a later date. But just to let the
8 witness know that right now, you're only providing
9 30(b)(1) testimony, not testimony on behalf of
10 Bristol.

11 Do you understand?

12 A. Yes.

13 Q. Okay. You agree that social distancing
14 is important in combatting the spread of COVID-19,
15 right?

16 A. Yes.

17 Q. And you agree that washing hands is
18 important in combatting the spread of COVID-19,
19 correct?

20 A. As well as any other disease.

21 Q. And you agree that disinfecting common
22 areas is important in combatting the spread of
23 COVID-19, right?

24 A. As well as other diseases.

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1 A. Correct.

2 Q. And the toilets as well?

3 A. I would say yes.

4 Q. Visitation is not currently allowed at
5 Bristol, correct?

6 A. Correct.

7 Q. When did Bristol decide to stop
8 visitation?

9 A. I don't have the exact date, but it is
10 on the memo from the sheriff about suspending
11 visits.

12 Q. And visits were suspended because they
13 can't happen safely right now, correct?

14 A. Visits can't happen because we don't
15 want other people coming into the institution.
16 All visits are noncontact.

17 Q. But you would agree that visitations
18 can't currently happen safely, right?

19 A. Correct.

20 Q. And all employees at Bristol are
21 considered emergency status or essential, correct?

22 A. That's correct.

23 Q. And you agree with me that COVID-19
24 presents a historic challenge to Bristol, correct?

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1 Q. And you agree that preventing infection
2 requires vigilant social distancing and personal
3 sanitation, right?

4 MR. KANWIT: Objection.

5 A. Can you repeat that question.

6 Q. Yeah. If you look at that same
7 paragraph, the second sentence says "Provided we
8 remain mindful and vigilant with our social
9 distancing and personal sanitation both here and
10 in the community, we can reach our shared goal of
11 preventing our inmate population, us, and our
12 families from becoming exposed to and infected by
13 COVID-19."

14 Do you see that?

15 A. I can't -- I can't see the very bottom
16 of it.

17 MS. CURTIS: Miles, can you scroll down
18 a little.

19 A. Thank you. Yes.

20 Q. And do you agree with Sheriff Hodgson
21 that preventing infection requires vigilant social
22 distancing and person sanitation?

23 A. As -- as he stated there, yes, both --
24 both here and within the community.

Transcript of Steven Souza, Corporate Representative
Conducted on May 1, 2020

311

1 Q. Okay. And you testified earlier that
2 you communicate with some peers at similar
3 institutions in Massachusetts, correct?

4 A. Correct.

5 Q. And are you aware of other correctional
6 facilities in the United States having had
7 outbreaks of COVID-19?

8 A. Yes, I've heard it on the news.

9 Q. And are you aware that some of the
10 largest outbreaks in the United States so far have
11 been correctional facilities?

12 A. Correctional facilities and nursing
13 homes, I've heard both.

14 MS. CURTIS: And, Miles, if you can pull
15 up 15.

16 AV TECHNICIAN: One second.

17 Q. And I've had marked here as Exhibit 15 a
18 New York Times article called "Coronavirus in the
19 U.S., Latest Map and Case Count," last updated
20 April 29th, 2020 at 8:56 a.m.

21 Have you seen this document before?

22 A. No, I have not.

23 MS. CURTIS: Miles, if you could go down
24 to the tenth page of the PDF, and let's scroll

Transcript of Steven Souza, Corporate Representative
Conducted on May 1, 2020

312

1 down to the last paragraph of the page.

2 Q. Do you see that this says at the -- that
3 last paragraph, first sentence, "Times journalists
4 have for weeks tracked clusters of cases and
5 deaths across the country"?

6 A. Yes, I see that.

7 Q. And the next sentence begins "The
8 largest such outbreaks include prisons in Ohio and
9 Arkansas."

10 Do you see that?

11 A. I do.

12 Q. And following that --

13 MS. CURTIS: Miles, if you could scroll
14 down.

15 Q. -- there's a list of the largest
16 clusters of outbreaks.

17 Do you see that?

18 A. Yes, I do.

19 Q. And the first outbreak is in a
20 correctional facility in Ohio, correct?

21 A. Correct.

22 Q. The second outbreak is in a different
23 correctional facility a Ohio, right?

24 A. Correct.

Transcript of Steven Souza, Corporate Representative
Conducted on May 1, 2020

313

1 Q. The next one is at a pork processing
2 facility in South Dakota, correct?

3 A. That's what it says.

4 Q. And the next one is at the U.S.S.
5 Theodore Roosevelt?

6 A. Yep.

7 Q. And the fifth entry on the list is a
8 correctional facility, correct?

9 A. Correct.

10 Q. The sixth entry on the list is a
11 correctional facility, right?

12 A. That's what it says.

13 Q. The seventh entry on the list is a
14 correctional facility, right?

15 A. Correct.

16 Q. The eighth entry on the list is a
17 correctional facility, correct?

18 A. Correct.

19 Q. The ninth entry on the list is a
20 correctional facility, right?

21 A. That's what it says.

22 Q. And the tenth entry on the list is a
23 correctional facility, correct?

24 A. Correct.

Transcript of Steven Souza, Corporate Representative
Conducted on May 1, 2020

314

1 Q. So of the ten largest outbreaks in the
2 U.S. as of April 29th, eight were in correctional
3 facilities, correct?

4 MR. KANWIT: Objection.

5 Can you scroll up, because it's not
6 clear to me it's showing the largest outbreaks or
7 just cases connected to.

8 Q. Superintendent Souza, my question is of
9 the ten largest outbreaks in the U.S., per this
10 list, eight were in correctional facilities,
11 correct?

12 MR. KANWIT: Objection.

13 A. The outbreaks by this form, yes.

14 Q. And do you know how, if at all, the
15 housing setups in these facilities on this list
16 differ from those in Bristol?

17 A. I have no idea any of those facilities.

18 Q. And do you know how, if at all, the
19 practices on testing in these facilities differ
20 from those in Bristol?

21 A. You broke up.

22 Q. Do you know how, if at all, the
23 practices on testing in these facilities differ
24 from those in Bristol?

Transcript of Steven Souza, Corporate Representative
Conducted on May 1, 2020

315

1 A. I wouldn't know.

2 Q. Can we pull up 16.

3 I've had marked as Exhibit 16 an
4 editorial in The New England Journal of Medicine
5 titled "Asymptomatic Transmission, the Achilles'
6 Heel of Current Strategies to Control COVID-19."

7 Have you seen this document before?

8 A. No, I have not.

9 Q. And would you agree that the New England
10 Journal of Medicine is one of the most highly
11 regarded medical journals in the world?

12 MR. KANWIT: Objection.

13 A. I don't have an opinion on that.

14 Q. 'Cause you're not a medical
15 professional, right?

16 A. That's correct.

17 Q. And just going back to my question about
18 other facilities with outbreaks, can you identify
19 anything Bristol's done differently from those
20 facilities that would make an outbreak at Bristol
21 less likely than an outbreak at those facilities?

22 MR. KANWIT: Objection. He already
23 testified he doesn't know what they're doing.

24 Q. You can answer the question.

Transcript of Steven Souza, Corporate Representative
Conducted on May 1, 2020

318

1 A. That's what I've heard, yes.

2 Q. And do you see that the next sentence in
3 Exhibit 16 here says "This recommendation for
4 SARS-CoV-2 testing of asymptomatic persons in
5 skilled nursing facilities should most likely be
6 expanded to other congregate living situations,
7 such as prisons and jails"?

8 A. I see what it says there.

9 Q. And Bristol is not doing asymptomatic
10 testing, correct?

11 A. That's correct. Following the CDC, DPH
12 guidelines.

13 Q. Now, Bristol has access to three area
14 hospitals, correct?

15 A. Several area hospitals.

16 Q. And those are St. Luke's, Charlton
17 Memorial, and Morton; is that right?

18 A. Amongst a few of them, yes.

19 Q. And what are the others?

20 A. You have Sturdy Hospital. You have St.
21 Anne's Hospital.

22 Q. And you would not want to overwhelm any
23 of those facilities due to an outbreak at Bristol,
24 correct?